



# Legal Services (Scotland) Act 2010

## 2010 asp 16

### PART 2

#### REGULATION OF LICENSED LEGAL SERVICES

### CHAPTER 2

#### LICENSED LEGAL SERVICES PROVIDERS

##### *Key duties and positions*

#### **51 Head of Legal Services**

- (1) It is for a licensed provider to make such administrative arrangements as it considers appropriate in respect of its Head of Legal Services.
- (2) A person is eligible for appointment (and to act) as its Head of Legal Services only if the person is a solicitor who holds a valid practising certificate that is free of conditions (such as may be imposed under section 15(1)(b) or 53(5) of the 1980 Act).
- (3) But a person becomes disqualified from that position if the person is disqualified from practice as a solicitor by reason of having been—
  - (a) struck off (or removed from) the roll of solicitors, or
  - (b) suspended from practice.
- (4) A Head of Legal Services has the function of securing the licensed provider's—
  - (a) compliance with section 50(1)(a) and (b),
  - (b) fulfilment of its other duties under this Part so far as relevant in connection with its provision of legal services.
- (5) A Head of Legal Services is to manage the designated persons within the licensed provider with a view to ensuring that they—
  - (a) have regard to the Head's function under subsection (4),
  - (b) adhere to the professional principles,
  - (c) meet their professional obligations.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A Head of Legal Services is to take such reasonable steps as may be required for the purposes of subsection (4).
- (7) If it appears to a Head of Legal Services that the licensed provider is failing (or has failed) to fulfil any of its duties under this Part or another enactment, the Head is to report that fact to the Head of Practice.
- (8) Where (and to the extent that) under this section and section 52 a function falls to both—
  - (a) a Head of Legal Services, and
  - (b) a Head of Practice,they are jointly and severally responsible for exercising the function.
- (9) The Scottish Ministers may by regulations—
  - (a) make further provision about—
    - (i) Heads of Legal Services,
    - (ii) the functions of such Heads (in their capacity as such),
  - (b) modify subsection (2) so as to specify an additional type of legally qualified person (as an alternative to a solicitor as mentioned there).
- (10) Before making regulations under subsection (9), the Scottish Ministers must consult the Lord President.